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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,485	10/27/2003	Marcel Hendrikus Petrus Engels	29891/FFP03907	4277

7590 12/14/2006

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EXAMINER

NICOLAS, FREDERICK C

ART UNIT PAPER NUMBER

3754

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,485

Applicant(s)

PETRUS ENGELS ET AL.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 45-59 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10, 28-36, 39, 42, 47, 51, 52 and 56-59 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 14-22, 27, 38, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 3-5, 19-21, 23-26, 37, 43, 45, 46, 48-50 and 53-55 is/are objected to.
- 8) ☒ Claim(s) 1-43 and 45-59 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 13-16, filed 9/29/2006, with respect to claims 14,22,28,59 have been fully considered and are persuasive. The rejection of claims 14,22,28,59 has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is replete with informalities, too numerous to mention specifically and failing to conform with U.S. Patent Office practice. The following noted informalities are merely exemplary thereof. The claims should be revised to conform to U. S. Patent Office practice. Applicant is advised to completely review the claims for errors as the following is not intended to cover all errors.

I- Claim 14 recites the limitation "at least some of the connectors" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

II- Claim 15 recites the limitation "the lower wall" in line 1. There is insufficient antecedent basis for this limitation in the claim.

III- Claim 17, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

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See MPEP § 2173.05(d); line 2, recites the limitation "the funnels". There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

4. Claim 2 is objected to because of the following informalities: in claim 2, line 2, "such pivoting actuator lever" should be --the pivoting actuator lever-- to prevent double inclusions in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2,6-7,22,27,38,41 are rejected under 35 U.S.C. 102(b) as being anticipated by Post 6,273,298.

Post discloses an apparatus for dispensing a plurality of fluids (col. 1, ll. 23-34), which comprises a plurality of pumps (2), each pump having a connector (10) for releasably connecting a container (6) to the respective pump, each container holding a fluid and comprising a connector-counterpart (col. 3, ll. 48-54), at least one pivoting actuator (13) lever for both releasing the containers from their respective connectors, and for pulling the same onto the connector and establishing a fluid connection between the respective pump and the container (col. 3, ll. 14-67 onto col. 4, ll. 1-16), at least some of the pumps are associated with the pivoting actuator lever as seen in Figure 4, the connectors are mounted on a turntable/receptacle (1), a support (11).

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7. Claims 14-15,40 are rejected under 35 U.S.C. 102(b) as being anticipated by Isham et al. 4,928,853.

Isham et al. disclose an apparatus for dispensing a plurality of fluids (col. 5, ll. 58-68), which comprises a plurality of pumps (66), each pump connected to a container (22), wherein a receptacle (40) is positioned beneath and/or around at least some of the connectors to collect fluid leaking (col. 8, ll. 33-42 and as seen in Figure 2), a shared receptacle (col. 8, ll. 40-42).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isham et al. 4,928,853 in view of Stein et al. 2,630,259.

Isham et al. have taught all the features of the claimed invention except that the lower wall is shaped as a funnel. Stein et al. teach the use of a lower wall (45) of a receptacle being in the shaped of a funnel as seen in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Stein et al. onto the receptacle of Isham et al., in order to provide a smooth flow passage of drain fluid.

Allowable Subject Matter

10. Claims 8-10,28-36,39,42,47,51-52,56-59 are allowed.

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11. Claims 3-5,19-21,23-26,37, 43,45-46,48-50,53-55, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

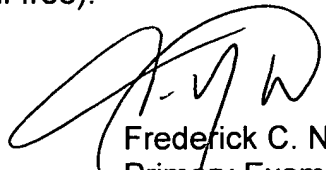
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN

December 10, 2006

 12/10/06
Frederick C. Nicolas
Primary Examiner
Art Unit 3754